

*Max Baucus*

AMENDMENT NO. \_\_\_\_\_ Calendar No. \_\_\_\_\_

Purpose: To modify the trade title.

IN THE SENATE OF THE UNITED STATES—110th Cong., 1st Sess.

**AMENDMENT No. 3660**

(title)

By *Baucus - Crapo*To: *Amend No. 3500*Refer *H.R. 2419**7*  
Page(s)

1

GPO: 2006 30-772 (Mac)

AMENDMENT intended to be proposed by Mr. BAUCUS *(for himself and MR. CRAPO)*

Viz:

- 1 At the appropriate place in title III, insert the fol-
- 2 lowing:
- 3 **SEC. 3 . AGRICULTURAL SUPPLY.**
- 4 (a) IN GENERAL.—Section 902(1) of the Trade Sanc-
- 5 tions Reform and Export Enhancement Act of 2000 (22
- 6 U.S.C. 7201(1)) is amended—
- 7 (1) by striking paragraph (1);
- 8 (2) by redesignating paragraph (2) as para-
- 9 graph (1); and
- 10 (3) by inserting after paragraph (1) the fol-
- 11 lowing:

1           “(2) AGRICULTURAL SUPPLY.—The term ‘agri-  
2       cultural supply’ includes—

3                   “(A) agricultural commodities; and

4                   “(B)(i)   agriculture-related   processing  
5       equipment;

6                   “(ii) agriculture-related machinery; and

7                   “(iii) other capital goods related to the  
8       storage or handling of agricultural commodities  
9       or products.”.

10       (b) CONFORMING AMENDMENTS.—The Trade Sanc-  
11       tions Reform and Export Enhancement Act of 2000 (22  
12       U.S.C. 7201 et seq.) is amended—

13               (1) by striking “agricultural commodities” each  
14       place it appears and inserting “agricultural sup-  
15       plies”;

16               (2) in section 904(2), by striking “agricultural  
17       commodity” and inserting “agricultural supply”; and

18               (3) in section 910(a), in the subsection heading,  
19       by striking “AGRICULTURAL COMMODITIES” and in-  
20       serting “AGRICULTURAL SUPPLIES”.

21       **SEC. 3. CLARIFICATION OF PAYMENT TERMS UNDER**  
22               **TSREEA.**

23       Section 908(b)(1) of the Trade Sanctions Reform and  
24       Export Enhancement Act of 2000 (22 U.S.C. 7207(b)(1))  
25       is amended—

1           (1) by redesignating subparagraphs (A) and  
2           (B) as clauses (i) and (ii), respectively, and indent-  
3           ing appropriately;

4           (2) striking “(1) IN GENERAL.—No United  
5           States person” and inserting the following:

6           “(1) PROHIBITION.—

7           “(A) IN GENERAL.—No United States per-  
8           son”; and

9           (3) in the undesignated matter following clause  
10          (ii) (as redesignated by paragraph (1)), by striking  
11          “Nothing in this paragraph” and inserting the fol-  
12          lowing:

13          “(B) DEFINITION OF PAYMENT OF CASH  
14          IN ADVANCE.—Notwithstanding any other pro-  
15          vision of law, for purposes of this paragraph,  
16          the term ‘payment of cash in advance’ means  
17          only that payment must be received by the sell-  
18          er of an agricultural supply to Cuba or any per-  
19          son in Cuba before surrendering physical pos-  
20          session of the agricultural supply.

21          “(C) REGULATIONS.—The Secretary of the  
22          Treasury shall publish in the Federal Register  
23          a description of the contents of this section as  
24          a clarification of the regulations of the Sec-  
25          retary regarding sales under this title to Cuba.

1                   “(D) CLARIFICATION.—Nothing in this  
2                   paragraph”.

3 **SEC. 3 \_\_\_\_ . REQUIREMENTS RELATING TO CERTAIN TRAV-**  
4 **EL-RELATED TRANSACTIONS WITH CUBA.**

5       Section 910 of the Trade Sanctions Reform and Ex-  
6 port Enhancement Act of 2000 (22 U.S.C. 7208) is  
7 amended by adding at the end the following:

8       “(c) GENERAL LICENSE AUTHORITY FOR TRAVEL-  
9 RELATED EXPENDITURES IN CUBA BY PERSONS ENGAG-  
10 ING IN TSREEA-AUTHORIZED SALES AND MARKETING  
11 ACTIVITIES.—

12               “(1) DEFINITION OF SALES AND MARKETING  
13 ACTIVITY.—

14               “(A) IN GENERAL.—In this subsection, the  
15 term ‘sales and marketing activity’ means any  
16 activity with respect to travel to, from, or with-  
17 in Cuba that is undertaken by United States  
18 persons—

19                   “(i) to explore the market in Cuba for  
20 products authorized under this title; or

21                   “(ii) to engage in sales activities with  
22 respect to such products.

23               “(B) INCLUSION.—The term ‘sales and  
24 marketing activity’ includes exhibiting, negoti-  
25 ating, marketing, surveying the market, and de-

1           livering and servicing products authorized  
2           under this title.

3           “(2) AUTHORIZATION.—The Secretary of the  
4    Treasury shall authorize under a general license the  
5    travel-related transactions listed in paragraph (c) of  
6    section 515.560 of title 31, Code of Federal Regula-  
7    tions (as in effect on June 1, 2007), for travel to,  
8    from, or within Cuba in connection with sales and  
9    marketing activities involving products approved for  
10   sale under this title.

11          “(3) AUTHORIZED PERSONS.—Persons author-  
12    ized to travel to Cuba under paragraph (2) shall in-  
13    clude—

14               “(A) producers of products authorized  
15               under this title;

16               “(B) distributors of such products; and

17               “(C) representatives of trade organizations  
18               that promote the interests of producers and dis-  
19               tributors of such products.

20          “(4) REGULATIONS.—The Secretary of the  
21    Treasury shall promulgate such rules and regula-  
22    tions as are necessary to carry out this subsection.”.

1 **SEC. 3 \_\_\_\_ . AUTHORIZATION OF DIRECT TRANSFERS BE-**  
2 **TWEEN CUBAN AND UNITED STATES FINAN-**  
3 **CIAL INSTITUTIONS.**

4 The Trade Sanctions Reform and Export Enhance-  
5 ment Act of 2000 is amended—

6 (1) by redesignating section 911 (22 U.S.C.  
7 7201 note; Public Law 106–387) as section 912;  
8 and

9 (2) by inserting after section 910 (22 U.S.C.  
10 7209) the following:

11 **“SEC. 911. AUTHORIZATION OF DIRECT TRANSFERS BE-**  
12 **TWEEN CUBAN AND UNITED STATES FINAN-**  
13 **CIAL INSTITUTIONS.**

14 “Notwithstanding any other provision of law (includ-  
15 ing regulations), the President shall not restrict direct  
16 transfers from Cuban to United States financial institu-  
17 tions executed in payment for products authorized by this  
18 Act.”.

19 **SEC. 3 \_ . SENSE OF CONGRESS THAT PROSPECTIVE PUR-**  
20 **CHASERS OF TSREEA PRODUCTS SHOULD BE**  
21 **ISSUED VISAS TO ENTER THE UNITED**  
22 **STATES.**

23 (a) SENSE OF CONGRESS.—It is the sense of Con-  
24 gress that the Secretary of State should issue visas for  
25 temporary entry into the United States of Cuban nationals  
26 who demonstrate a full itinerary of purchasing activities

1 relating to the Trade Sanctions Reform and Export En-  
2 hancement Act of 2000 (22 U.S.C. 7201 et seq.) while  
3 in the United States.

4 (b) PERIODIC REPORTS.—Not later than 45 days  
5 after the date of enactment of this Act and every 90 days  
6 thereafter, the Secretary of State shall submit to the Com-  
7 mittees on Agriculture, Foreign Affairs, and Ways and  
8 Means of the House of Representatives and the Commit-  
9 tees on Agriculture, Nutrition, and Forestry, Finance, and  
10 Foreign Relations of the Senate a report that describes  
11 any actions of the Secretary relating to this section, in-  
12 cluding—

13 (1) a full description of each application re-  
14 ceived from a Cuban national to travel to the United  
15 States to engage in purchasing activities described in  
16 subsection (a); and

17 (2) a description of the disposition of each such  
18 application.